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BANGALORE, MONDAY, MAY 29, 1950.

PART IV

Section I-B

ACTS OF PARLIAMENT AND ORDINANCES OF THE PRESIDENT WHICH APPLY TO MYSORE.

NOTIFICATION.

No. L.D. 570—Legis 2-50-20, dated Bangalore, 27th May 1950.

Ordered that the accompanying Industrial Disputes (Appellate Tribunal) Act, 1950, (XLVIII of 1950), published in the *Gazette of India* dated the 23rd May, 1950, be republished in the *Mysore Gazette*, for general information.

By Order of His Highness the Maharaja,

B. S. PUTTASWAMY,

Legal Remembrancer and
Secretary to Government,
Law Department.

Received assent on 20-5-1950.

GOVERNMENT OF INDIA 191

MINISTRY OF LAW

ACT No. XLVIII OF 1950.

THE INDUSTRIAL DISPUTES (APPELLATE TRIBUNAL) ACT, 1950.

AN

ACT

to provide for the establishment of an Appellate Tribunal in relation to industrial disputes and for certain matters incidental thereto.

BE it enacted by Parliament as follows :—

CHAPTER I.

PRELIMINARY.

1. *Short title and extent.*—(1) This Act may be called the Industrial Disputes (Appellate Tribunal) Act, 1950.

(2) It extends to the whole of India except the State of Jammu and Kashmir.

2. *Definitions.*—In this Act, unless the context otherwise requires—

(*a*) " Appellate Tribunal " means the Labour Appellate Tribunal constituted under section 4 ;

(*b*) " Chairman " means the Chairman of the Appellate Tribunal ;

(*c*) " industrial tribunal " means—

(*i*) any Industrial Tribunal constituted under the Industrial Disputes Act, 1947 (XIV of 1947) ; or

(*ii*) in relation to cases where an appeal lies from any court, wage board or other authority set up in any State under any law relating to the adjudication of industrial disputes made, whether before or after the commencement of this Act, by the legislative authority of the State to any other court, board or authority set up in the State under such law, that court, board or authority exercising appellate jurisdiction within the State ; or

(*iii*) in relation to other cases, where no appeal lies under any law referred to in sub-clause (*ii*), any court, board or other authority set up in any State under such law ;

(*d*) " member " means a member of the Appellate Tribunal ;

(*e*) " prescribed " means prescribed by rules made under this Act ;

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(*f*) "wages" means all remuneration, capable of being expressed in terms of money, which would, if the terms of employment, express or implied, were fulfilled, be payable to a person employed in respect of his employment or of work done in such employment and includes—

(*i*) such allowances (including dearness allowance) as the workman is for the time being entitled to ;

(*ii*) the value of any house accommodation, or of supply of light, water, medical attendance or other amenity or of any service or of any concessional supply of food grains or other articles ;

(*iii*) any travelling concession ;

but does not include—

(*i*) any contribution paid or payable by the employer to any pension fund or provident fund ;

(*ii*) any gratuity payable on discharge ;

(*g*) the expressions "appropriate Government", "employer", "lockout", "strike" and "workman" have the meanings respectively assigned to them in section 2 of the Industrial Disputes Act, 1947 (XIV of 1947).

3. *Effect on other laws.*—The provisions of this Act and of the rules and orders made thereunder shall have effect notwithstanding anything inconsistent therewith contained in any other law for the time being in force or in any instrument having effect by virtue of any such law.

CHAPTER II.

THE LABOUR APPELLATE TRIBUNAL AND ITS CONSTITUTION AND FUNCTIONS.

4. *Constitution of the Appellate Tribunal.*—The Central Government may, by notification in the Official Gazette and with effect from a date specified therein, constitute a Labour Appellate Tribunal for hearing appeals from the awards or decisions of industrial tribunals in accordance with the provisions of this Act.

5. *Composition of the Appellate Tribunal and term of office of its members.*—(1) The Appellate Tribunal shall consist of a Chairman and such number of other members as the Central Government may, from time to time, think fit to appoint.

(2) Every member of the Appellate Tribunal shall be a person who—

(*a*) is or has been a Judge of a High Court ; or

(*b*) is qualified for appointment as a Judge of a High Court ; or

(*c*) has been a member of an industrial tribunal for not less than two years :

Provided that the appointment to the Appellate Tribunal of any person not qualified under clause (*a*) or clause (*c*) shall be made in consultation with the Supreme Court.

(3) A member shall, unless otherwise specified in the order of appointment, hold office for a term of five years from the date on which he enters upon his office and shall, on the expiry of the term of his office, be eligible for reappointment :

Provided that no member shall hold office after he has attained the age of sixty-five years.

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(4) A member shall be entitled to such salary and allowances and to such rights in respect of leave and pensions as may be prescribed :

Provided that the salary of a member shall not be varied to his disadvantage after his appointment.

6. *Seat of the Appellate Tribunal.*—The Appellate Tribunal shall have its principal seat at such place as the Central Government may, by notification in the Official Gazette, appoint.

7. *Jurisdiction of the Appellate Tribunal.*—(1) Subject to the provisions of this section, an appeal shall lie to the Appellate Tribunal from any award or decision of an industrial tribunal if—

(*a*) the appeal involves any substantial question of law ; or

(*b*) the award or decision is in respect of any of the following matters, namely :—

(*i*) Wages,

(*ii*) bonus or travelling allowance,

(*iii*) any contribution paid or payable by the employer to any pension fund or provident fund,

(*iv*) any sum paid or payable to, or on behalf of, the workman to defray special expenses entailed on him by the nature of his employment,

(*v*) gratuity payable on discharge,

(*vi*) classification by grades,

(*vii*) retrenchment of workmen,

(*viii*) any other matter which may be prescribed.

(2) No appeal shall lie from—

(*a*) any award made by the Industrial Tribunal set up under the Industrial Disputes Act, 1947 (XIV of 1947), by the notification of the Government of India in the Ministry of Labour, No. L.R. 2(205), dated the 13th June 1949 ; or

(*b*) any award or decision of an industrial tribunal made with the consent of parties or from any settlement arrived at between the parties in the course of conciliation proceedings, whether before a conciliation officer or a conciliation board or any other authority or from any decision of an arbitrator appointed under any law with the consent of parties to settle the dispute.

8. *Constitution of Benches of the Appellate Tribunal.*—(1) The Chairman may constitute as many Benches of the Appellate Tribunal as may be deemed necessary for the purpose of carrying out the functions and exercising the powers of the Appellate Tribunal.

(2) Each Bench shall consist of not less than two members, of whom one may be appointed as the President of the Bench.

(3) A Bench shall sit at such place or places as may be specified by the Chairman by notification in the Official Gazette :

Provided that the Bench may, if it is satisfied that it will tend to the general convenience of the parties or witnesses in any particular case, sit at any other place.

(4) The Chairman may, from time to time, allot any case or any specified class of cases to any Bench and may also from time to time transfer any case or any specified class of cases from one Bench to another.

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9. *Powers and procedure of the Appellate Tribunal.*—(*1*) The Appellate Tribunal shall have the same powers as are vested in a civil court, when hearing an appeal, under the Code of Civil Procedure, 1908 (Act V of 1908).

(*2*) Without prejudice to the generality of the provisions contained in sub-section (1), the Appellate Tribunal may, after hearing the appellant, dismiss the appeal if, in its judgment, there is no sufficient ground for proceeding with the appeal and in such cases, the Appellate Tribunal shall briefly record its reasons for so doing.

(3) The Appellate Tribunal shall be deemed to be a civil court for the purposes of section 480 and 482 of the Code of Criminal Procedure, 1898 (Act V of 1898) and any proceeding before an Appellate Tribunal shall be deemed to be a judicial proceeding within the meaning of sections 193 and 228 of the Indial Penal Code (Act XLV of 1860).

(*4*) The Appellate Tribunal may, if it so thinks fit, appoint, after consulting the parties to the dispute and the appropriate Government, one or more persons as assessors to advise it in any proceeding before it.

(*5*) The Appellate Tribunal shall, after hearing the appeal, pronounce its decision either at once or on some future date to which the appeal is adjourned for that purpose.

(*6*) The decision shall be in writing and signed by the members of the Appellate Tribunal hearing the appeal.

(*7*) The Appellate Tribunal may confirm, vary or reverse the award or decision appealed from and may pass such orders as it may deem fit, and where the award or decision is reversed or varied, the decision of the Appellate Tribunal shall state the reliefs to which the appellant is entitled.

(*8*) In the event of any difference of opinion among the members of a Bench, the opinion of the majority shall prevail, but where there is no such majority, the President of the Bench shall refer to the Chairman either the whole appeal or the particular point or points on which there has been difference of opinion among the members of the Bench and on such reference, the Chairman shall either hear the matter himself or transfer it to any other member and the decision thereon of the Chairman or the other member, as the case may be, shall prevail.

(*9*) The Appellate Tribunal shall send a copy of the decision to the industrial tribunal concerned and to the appropriate Government, as soon as practicable, within one week from the date of the decision.

(*10*) The Appellate Tribunal shall follow such procedure as may be prescribed, and subject thereto, it may, by order, regulate its practice and procedure and the provisions of the Code of Civil Procedure, 1908 (Act V of 1908), shall, so far as they are not inconsistent with this Act or the rule or orders made thereunder, apply to all proceedings before the Appellate Tribunal.

(*11*) Subject to the rules made under this Act, the costs of, and incidental to, any proceeding before the Appellate Tribunal shall be in the discretion of the Appellate Tribunal, and the Appellate Tribunal shall have full power to determine by and to whom and to what extent and subject to what conditions, if any, such costs are to be paid and to give all necessary directions for the purposes aforesaid, and such costs may be recovered in the manner provided for in sub-ssction (1) of section 20.

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10. *Limitation of filing appeals.*—An appeal under this Act may be preferred within thirty days—

(*i*) from the date of the publication of the award or decision, where such publication is provided for by the law under which that award or decision is made ; or

(*ii*) from the date of making the award or decision, where there is no provision for such publication :

Provided that the Appellate Tribunal may entertain the appeal after the expiry of the said period of thirty days, if it is satisfied that the appellant was prevented by sufficient cause from filing the appeal in time.

11. *Form of appeal.*—An appeal under this Act shall be presented in the form of a memorandum setting forth, concisely and under distinct heads, the grounds of objection to the award or decision appealed from.

12. *Presentation of appeal.*—An appeal under this Act against any award or decision of an industrial tribunal may be presented to the Appellate Tribunal by—

(*i*) any party which is aggrieved by the award or decision ; or

(*ii*) the appropriate Government or the Central Government, where it is not the appropriate Government, whether or not such Government is a party to the dispute.

13. *Right of the Central Government and of the appropriate Government to appear before the Appellate Tribunal.*—The appropriate Government or the Central Government, where it is not the appropriate Government, may, whether or not such Government is a party to the appeal, appear in any proceeding before the Appellate Tribunal and thereupon, such Government shall have the right to be heard as if it were a party to that appeal.

14. *Stay of award or decision by the Appellate Tribunal.*—Where an appeal is preferred, the Appellate Tribunal may, after giving the parties an opportunity of being heard, stay, for reasons to be recorded, the implementation of the award or decision or any part thereof for such period and on such conditions as it thinks fit :

Provided that no such order for stay shall be made unless the Appellate Tribunal is satisfied that the implementation of the award or decision may have serious repercussions on the industry concerned or other industries or on the workmen employed in such industry or industries.

15. *Commencement of decision of the Appellate Tribunal.*—(*1*) The decision of the Appellate Tribunal shall be enforceable on the expiry of thirty days from the date of its pronouncement :

Provided that where the appropriate Government is of opinion that it would be inexpedient on public grounds to give effect to the whole or any part of the decision, the appropriate Government may, before the expiry of the said period of thirty days, by order in the Official Gazette, either reject the decision or modify it.

(*2*) Where the appropriate Government rejects or modifies any decision under the proviso to sub-section (*1*), it shall, on the first available opportunity, lay that decision together with its reasons for rejecting the same before the Legislative Assembly of the State, or where the appropriate Government is the Central Government, before Parliament.

16. *Effect of decision of the Appellate Tribunal.*—Where on appeal from any award or decision of an industrial tribunal, the Appellate Tribunal modifies in any manner whatsoever that award or decision, the decision of the Appellate Tribunal

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shall, when it becomes enforceable under section 15, be deemed to be substituted for the award or decision of the industrial tribunal and shall have effect for all purposes in the same manner and in accordance with the same law under which the award or decision of the industrial tribunal was made as if the industrial tribunal made the award or decision as modified by the decision of the Appellate Tribunal.

17. *Commencement and conclusion of appeal.*—An appeal before the Appellate Tribunal shall be deemed to have commenced on the date of the filing of the appeal and such appeal shall be deemed to have concluded on the date on which the decision of the Appellate Tribunal becomes enforceable under section 15.

CHAPTER III.

CERTAIN PROVISIONS RELATING TO INDUSTRIAL TRIBUNALS SET UP UNDER OTHER LAWS.

18. *Commencement of award or decision of Industrial Tribunal.*—(*1*) Subject to the provisions of this Act, the award or decision of any industrial tribunal shall, notwithstanding anything contained in any law, be enforceable on the expiry of thirty days—

(*i*) from the date of the publication of the award or decision, where such publication is provided for by the law under which that award or decision is made, or

(*ii*) from the date of making the award or decision, where there is no provision for such publication:

Provided that in cases where the award or decision is not appealable under this Act, and where the appropriate Government is a party to the dispute and is of opinion that it would be inexpedient on public grounds to give effect to the whole or any part of the award or decision, it may, before the expiry of the said period of thirty days, by order in the Official Gazette, either reject or modify the award or decision.

(*2*) Where the appropriate Government rejects or modifies any award or decision under the proviso to sub-section (1), it shall, on the first available opportunity, lay that award or decision together with its reasons for rejecting or modifying the same before the Legislative Assembly of the State, or where the appropriate Government is the Central Government, before Parliament.

(*3*) Subject to the provisions of sub-section (1) the award or decision of any industrial tribunal shall come into operation with effect from such date as may be specified therein, but where no date is so specified, it shall come into operation on the date on which that award or decision becomes enforceable under sub-section (*1*).

19. *Exclusion of certain period in the computation of the period of operation of any award or decision of Industrial Tribunal.*—In the computation of the period of operation of any award or decision of any industrial tribunal, the period during which the implementation of the award or decision is stayed by the Appellate Tribunal shall be excluded.

20. *Recovery of money due from an employer under an award or decision.*—(*1*) Any money due from an employer under any award or decision of an industrial tribunal may be recovered as arrears of land revenue or as a public demand by the appropriate Government on an application made to it by the person entitled to the money under that award or decision.

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(2) Where any workman is entitled to receive from the employer any benefit under an award or decision of an industrial tribunal which is capable of being computed in terms of money, the amount at which such benefit should be computed may, subject to the rules made under this Act, be determined by that industrial tribunal and the amount so determined may be recovered as provided for in sub-section (1).

(3) For the purpose of computing the money value of a benefit, the industrial tribunal may, if it so thinks fit, appoint a commissioner, who shall, after taking such evidence as may be necessary, submit a report to the industrial tribunal, and the said tribunal shall determine the amount after considering the report of the commissioner and other circumstances of the case.

21. *Maintenance of records by Industrial Tribunals.*—Every industrial tribunal shall, in respect of any case from which an appeal would lie under this Act, maintain, subject to the rules made under this Act, a record of the proceedings before it including the statements of parties and witnesses and relevant documents.

CHAPTER IV.

MISCELLANEOUS.

22. *Conditions of service, etc., to remain unchanged during a certain period.*—During the period of thirty days allowed for the filing of an appeal under section 10 or during the pendency of any appeal under this Act, no employer shall—

(a) alter, to the prejudice of the workmen concerned in such appeal, the conditions of service applicable to them immediately before the filing of such appeal, or

(b) discharge or punish, whether by dismissal or otherwise, any workmen concerned in such appeal,

save with the express permission in writing of the Appellate Tribunal.

23. *Special provision for decision whether conditions of service, etc., changed during pendency of proceedings.*—Where an employer contravenes the provisions of section 22 during the pendency of proceedings before the Appellate Tribunal, any employee aggrieved by such contravention, may make a complaint in writing, in the prescribed manner to such Appellate Tribunal and on receipt of such complaint, the Appellate Tribunal shall decide the complaint as if it were an appeal pending before it, in accordance with the provisions of this Act and shall pronounce its decision thereon and the provisions of this Act shall apply accordingly.

24. *Prohibition of strikes and lock-outs.*—Notwithstanding anything contained in any law for the time being in force, no workman who is employed in any industrial establishment shall go on strike and no employer of any such workman shall declare a lock-out—

(a) during the period of thirty days allowed for the filing of an appeal under section 10 ; or

(b) during the pendency of an appeal before the Appellate Tribunal.

25. *Illegal strikes and lock-outs.*—A strike or lock-out shall be illegal, if it is declared, commenced or continued in contravention of the provisions of section 24.

26. *Penalty for illegal strikes and lock-outs.*—(1) Any workman who commences, continues, or otherwise acts in furtherance of, a strike which is illegal under this Act shall be punishable with imprisonment for a term which may extend to one month, or with fine which may extend to fifty rupees, or with both.

(2) Any employer who commences, continues, or otherwise acts in furtherance of a lock-out which is illegal under this Act shall be punishable with imprisonment for a term which may extend to one month, or with fine which may extend to one thousand rupees, or with both.

27. *Penalty for instigation, etc.*—Any person who instigates or incites others to take part in, or otherwise acts in furtherance of, a strike or lock-out, which is illegal under this Act shall be punishable with imprisonment for a term which may extend to six months, or with fine which may extend to one thousand rupees, or with both.

28. *Penalty for giving financial aid to illegal strikes and lock-outs.*—Any person who knowingly expends or applies any money in furtherance or support of any strike or lock-out which is illegal under this Act shall be punishable with imprisonment for a term which may extend to six months, or with fine which may extend to one thousand rupees, or with both.

29. *Penalty for other offences.*—(1) Any employer who contravenes the provisions of section 22 shall be punishable with imprisonment for a term which may extend to six months, or with fine which may extend to one thousand rupees, or with both.

(2) Whoever contravenes any of the provisions of this Act or any rule made thereunder shall, if no other penalty is elsewhere provided by or under this Act for such contravention, be punishable with fine which may extend to one hundred rupees.

30. *Powers of the Appellate Tribunal in relation to contempts.*—(1) If any person—

(*a*) when ordered by an industrial tribunal or the Appellate Tribunal to produce or deliver up any document,, being legally bound, intentionally omits to do so, or

(*b*) when required by an industrial tribunal or the Appellate Tribunal to bind himself by an oath or affirmation to state the truth, refuses to do so, or

(*c*) being legally bound to state the truth on any subject to an industrial tribunal or the Appellate Tribunal, refuses to answer any question put to him touching such subject by such industrial tribunal or the Appellate Tribunal, or

(*d*) refuses to sign any statement made by him when required to do so by an industrial tribunal or the Appellate Tribunal, or

(*e*) intentionally offers any insult or causes any interruption to an industrial tribunal or the Appellate Tribunal at any stage of its judicial proceeding,

he shall be deemed to be guilty of contempt of such industrial tribunal or the Appellate Tribunal, as the case may be.

(2) If any person commits any act or publishes any writing, which is calculated to improperly influence an industrial tribunal or the Appellate Tribunal or to bring such industrial tribunal or the Appellate Tribunal or any member thereof into disrepute or contempt or to lower its or his authority, or to interfere with the lawful process of any such industrial tribunal or the Appellate Tribunal, such person shall be deemed to be guilty of contempt of such industrial tribunal or the Appellate Tribunal, as the case may be.

(3) The Appellate Tribunal shall have and exercise the same jurisdiction, power and authority, in accordance with the same procedure and practice, in respect of contempts of itself and of all the industrial tribunals as the High Courts have and

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exercise in respect of themselves and courts subordinate to them under the Contempt of Courts Act, 1926 (XX of 1926).

31. *Offence by companies, etc.*—Where a person committing an offence under this Act is a company, or other body corporate, or any association of persons (whether incorporated or not), every director, manager, secretary, agent or other officer or person concerned with the management thereof shall, unless he proves that the offence was committed without his knowledge or consent be deemed to be guilty of such offence.

32. *Cognizance of offences.*—(1) No court shall take cognizance of any offence punishable under this Act or of the abetment of any such offence, save on complaint made by or under the authority of the appropriate Government or by an officer empowered in this behalf by such Government, by a general or special order.

(2) No court inferior to that of a presidency magistrate or a magistrate of the first class shall try any offence punishable under this Act.

33. *Representation of parties.*—(1) A workman who is a party to an appeal shall be entitled to be represented in any proceedings under this Act by—

(*a*) an officer of a registered trade union of which he is a member ;

(*b*) an officer of a federation of trade unions to which the trade union referred to in clause (*a*) is affiliated ;

(*c*) where the worker is not a member of any trade union, by an officer of any trade union connected with, or by any other workman employed in the industry in which the worker is employed and authorised in such manner as may be prescribed.

(2) Any employer who is a party to an appeal shall be entitled to be represented in any proceeding under this Act by—

(*a*) an officer of an association of employers of which he is a member ;

(*b*) an officer of a federation of associations of employers to which the association referred to in clause (*a*) is affiliated ;

(*c*) where the employer is not a member of any association of employers, by an officer of any association of employers connected with, or by any other employer engaged in, the industry in which the employer is engaged and authorised in such manner as may be prescribed.

(3) A party to a proceeding under this Act may be represented by a legal practitioner with the consent of the other parties to the proceeding and with the leave of the Appellate Tribunal.

34. *Amendment of Act* XIV *of* 1947.—The Industrial Disputes Act, 1947 (XIV of 1947) shall be amended in the manner specified in the Schedule.

35. *Power to make rules.*—(1) The Central Government may, by notification in the Official Gazette, make rules for the purpose of giving effect to the provisions of this Act.

(2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely :—

(*a*) the manner in which an appeal may be preferred and the form of appeal; the matters in respect of which the Appellate Tribunal may have jurisdiction ;

(*b*) the fees to be paid and the procedure to be followed in relation to such appeal ;

(*c*) costs, and the manner in which they may be recovered;

(*d*) the persons who may be appointed as commissioners under section 20; their powers and duties and the fees, if any, to be paid to the commissioners;

(*e*) the records to be maintained under section 21 and the manner in which they will be maintained;

(*f*) the manner in which workmen or employers may be represented before the Appellate Tribunal;

(*g*) any other matter which has to be or may be prescribed.

THE SCHEDULE.

(*See* Section 34).

AMENDMENTS TO THE INDUSTRIAL DISPUTES ACT, 1947 (XIV OF 1947).

1. For sub-section (2) of section 1, the following sub-section shall be substituted, namely :—

"(2) It extends to the whole of India except the State of Jammu and Kashmir."

2. After sub-section (6) of section 11, the following sub-sections shall be inserted, namely :—

"(7) Subject to the rules made under this Act, the cost of, and incidental to, any proceeding before a Tribunal shall be in the discretion of that Tribunal, and the Tribunal shall have full power to determine by and to whom and to what extent and subject to what conditions, if any, such costs are to be paid, and to give all necessary directions for the purposes aforesaid, and such costs may, on application made to it by the person entitled, be recovered as arrears of land revenue or as a public demand by the appropriate Government.

(8) Every Tribunal shall be deemed to be a civil court for the purposes of sections 480 and 482 of the Code of Criminal Procedure, 1898 (Act V of 1898)."

3. For section 15, the following section shall be substituted, namely :—

"15. *Duties of Tribunals.*—Where an industrial dispute has been referred to a Tribunal for adjudication, it shall hold its proceedings expeditiously and shall, as soon as practicable on the conclusion thereof, submit its award to the appropriate Government."

4. After section 17, the following section shall be inserted, namely :—

"17-A. *Commencement of the award.*—(*1*) The award of a Tribunal shall become enforceable on the expiry of thirty days from the date of its publication under section 17 :

Provided that in cases where the award is not appealable and where the appropriate Government is a party to the dispute and is of opinion that it will be inexpedient on public grounds to give effect to the whole or any part of the award, it may, before the expiry of the said period of thirty days, by order in the Official Gazette, either reject the award or modify it.

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(2) Where the appropriate Government rejects or modifies any award under the proviso to sub-section (1), it shall, on the first available opportunity, lay that award together with its reasons for rejecting or modifying the same before the Legislative Assembly of the State, or where the appropriate Government is the Central Government, before Parliament.

(3) Subject to the provisions of sub-section (1), the award of a Tribunal shall come into operation with effect from such date as may be specified therein, but where no date is so specified, it shall come into operation on the date when the award becomes enforceable under sub-section (1)."

5. In section 18, for the words, brackets and figures "an award which is declared by the appropriate Government to be binding under sub-section (2) of section 15", the words "an award which has become enforceable" shall be substituted.

6. For sub-section (3) of section 19, the following sub-sections shall be substituted, namely :—

"(3) An award shall, subject to the provisions of this section, remain in operation for a period of one year :

Provided that the appropriate Government may reduce the said period and fix such period as it thinks fit :

Provided further that the appropriate Government may, before the expiry of the said period, extend the period of operation by any period not exceeding one year at a time as it thinks fit so, however, that the total period of operation of any award does not exceed three years from the date on which it came into operation.

(4) Where the appropriate Government, whether of its own motion or on the application of any party bound by the award, considers that since the award was made, there has been a material change in the circumstances on which it was based, the appropriate Government may refer the award or a part of it to a Tribunal for decision whether the period of operation should not, by reason of such change, be shortened and the decision of the Tribunal on such reference shall, subject to the provision for appeal, be final.

(5) Nothing contained in sub-section (3) shall apply to any award which by its nature, terms or other circumstances does not impose, after it has been given effect to, any continuing obligation on the parties bound by the award.

(6) Notwithstanding the expiry of the period of operation under sub-section (3), the award shall continue to be binding on the parties until a period of two months has elapsed from the date on which notice is given by any party bound by the award to the other party or parties intimating its intention to terminate the award.

(7) In the computation of the period of operation of an award under sub-section (3), the period during which the implementation of the award is stayed by the Labour Appellate Tribunal constituted under the Industrial Disputes (Appellate Tribunal) Act, 1950, shall be excluded."

7. For section 33, the following section shall be substituted, namely :—

"*33. Conditions of service, etc., to remain unchanged during pendency of proceedings.*—During the pendency of any conciliation proceedings or proceedings before a Tribunal in respect of any industrial dispute, no employer shall—

(a) alter, to the prejudice of the workmen concerned in such dispute, the conditions of service applicable to them immediately before the commencement of such proceedings; or

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(*b*) discharge or punish, whether by dismissal or otherwise, any workman concerned in such dispute,

save with the express permission in writing of conciliation officer Board or Tribunal, as the case may be."

8. After section 33, the following new section shall be inserted, namely :—

" 33A. *Special provision for adjudication as to whether conditions of service, etc. changed during pendency of proceedings.*—Where an employer contravenes the provisions of section 33 during the pendency of proceedings before a Tribunal, any employee aggrieved by such contravention, may make a complaint in writing, in the prescribed manner to such Tribunal and on receipt of such complaint that Tribunal shall adjudicate upon the complaint as if it were a dispute referred to or pending before it, in accordance with the provisions of this Act and shall submit its award to the appropriate Government and the provisions of this Act shall apply accordingly."

9. For section 30, the following section shall be substituted, namely :—

" 36. *Representation of parties.*—(*1*) A workman who is a party to a dispute shall be entitled to be represented in any proceeding under this Act by—

(*a*) an officer of a registered trade union of which he is a member ;

(*b*) an officer of a federation of trade unions to which the trade union referred to in clause (*a*) is affiliated ;

(*c*) where the worker is not a member of any trade union, by an officer of any trade union connected with, or by any other workman employed in, the industry in which the worker is employed and authorised in such manner as may be prescribed.

(*2*) An employer who is a party to a dispute shall be entitled to be represented in any proceeding under this Act by—

(*a*) an officer of an association of employers of which he is a member ;

(*b*) an officer of a federation of associations of employers to which the association referred to in clause (*a*) is affiliated ;

(*c*) where the employer is not a member of any association of employers, by an officer of any association of employers connected with, or by any other employer engaged in, the industry in which the employer is engaged and authorised in such manner as may be prescribed.

(*3*) No party to a dispute shall be entitled to be represented by a legal practitioner in any conciliation proceedings under this Act or in any proceedings before a Court.

(*4*) In any proceeding before a Tribunal, a party to a dispute may be represented by a legal practitioner with the consent of the other parties to the proceeding and with the leave of the Tribunal."

K. V. K. SUNDARAM, *Secy*

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